IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31568 of 2006(G)

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PETITIONER:

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MARIAKUTTY ULAHANNAN, AGED 69 YEARS,
W/O. LATE ULAHANNAN, PADINJAREKUDIYIL,
THODUPUZHA EAST P.O., KARIKODE KARA,
KOZHIKODE VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY

RESPONDENTS:

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1. THE SPECIAL SALE OFFICER,
THODUPUZHA URBAN BANK (GROUP),
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THODUPUZHA.

2. THODUPUZHA URBAN CO-OPERATIVE BANK LTD.
NO.394, THODUPUZHA, REPRESENTED BY
ITS GENERAL MANAGER.

3. SHAHUL HAMEED,
MANGATTIL HOUSE, KEERIKODE KARA,
KARIKODE VILLAGE, THODUPUZHA.

4. KADEEJA,
MANGATTIL HOUSE, KEERIKODE KARA,
KARIKODE VILLAGE, THODUPUZHA.

5. RALEEFA,
MANGATTIL HOUSE, KEERIKODE KARA,
KARIKODE VILLAGE, THODUPUZHA.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J.M.JAMES, J.**

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W.P.(C). 31568/2006

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Dated this 29th day of November, 2006

**JUDGMENT**

The counsel for the writ petitioner submits that the writ petitioner had preferred Ext.P7 Revision Petition dated 24.11.2006 together with Ext.P8 stay petition, before the Kerala Co-operative Tribunal, Thiruvananthapuram, and the matter is pending proceedings.

2. The challenge of the writ petitioner before the Tribunal is on the public auction of the property of eight cents owned by the writ petitioner, as an amount of Rs.14,44,310/- is due from the third respondent, Shahul Hameed, from whom the writ petitioner purchased the property.

3. She was before this Court through W.P.(C). 3816/2005. As per the judgment dated 22.9.2006, the writ petition was disposed of directing the writ petitioner to raise the contentions of her property not being covered

with the other mortgaged properties with the second respondent, Thodupuzha Urban Co-operative Bank Ltd., while preferring appropriate proceedings before the authority concerned.

4. After hearing all concerned during the admission of this writ petition, taking into consideration that a revision petition is pending before the Co-operative Tribunal, I direct the writ petitioner to approach the Tribunal and obtain appropriate orders. However, in order to facilitate the same, I direct the respondents 1 and 2, to put off sale by ten days, as the same is scheduled to be held on 30.11.2006 at 11.00 a.m.

5. If the writ petitioner is not able to produce any order from the Kerala Co-operative Tribunal, Thiruvananthapuram, respondents 1 and 2 shall proceed with the auction of the property, as per the law.

The writ petition is disposed of as above.

Hand over the order today itself.

**J.M.JAMES**
**JUDGE**

mrcs